

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. No amendments to the claims have been made herein. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 1-20 remain pending in this application.

Prior Art Rejections under 35 U.S.C. 102:

Claims 1 and 4–8 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0149756 to Grieve et al. (hereinafter “Grieve”). Applicants respectfully traverse the rejection for at least the following reasons.

Grieve does not anticipate Applicants’ claimed invention as recited in claims 1 and 4–8. Simply stated, it does not teach each and every limitation required by the rejected claims. Specifically, independent claim 1 recites a method of adjusting relative value of implemented computer configuration changes, including the steps of:

obtaining performance metrics for the computer system before and after configuration changes implemented in the computer system; and

assessing effectiveness of the computer configuration changes based on the obtained performance metrics.

Applicants respectfully submit that Grieve does not teach or suggest these limitations. The invention as claimed looks at the effectiveness of configuration changes by analyzing performance metrics obtained before and after configuration changes. Grieve teaches indicating a configuration change after comparing stored configuration files. The scope of the two inventions are clearly distinct.

The Examiner has pointed to paragraph 0033 and the abstract of Grieve to teach the feature of “obtaining performance metrics for the computer system before and after configuration changes implemented in the computer system.” Specifically, in his Response to Arguments, the Examiner has asserted that “comparing old and new configurations” is

allegedly equivalent to “obtaining performance metrics for the computer system before and after computer configuration changes.” (section 19, lines 6-8 of the Office Action).

First, Applicants respectfully submit that there is no teaching or suggestion in Grieve of obtaining any information in the comparison pointed out by the Examiner. Grieve teaches “returning configuration information,” “uploading device firmware,” and “directing updates to the configuration history database.” (paragraph 0033). However, there is no teaching or suggestion in this passage, or anywhere in the disclosure of Grieve that performance metrics are obtained or utilized. Second, the configurations mentioned by the Examiner are configuration files that represent “a network device configuration at a point in time.” (paragraph 0007, lines 3-6 of Grieve). Thus, there is no teaching or suggestion in Grieve of obtaining metrics relating to the performance of the computer system. Rather, Grieve only teaches comparing the actual configurations of the system at different points in time. There are no performance metrics that are obtained at any point in Grieve, and certainly no metrics that are obtained with the changing of the configuration of the system. Thus, it is respectfully submitted that Grieve fails to teach or suggest “obtaining performance metrics for the computer system before and after configuration changes implemented in the computer system.”

Applicants also respectfully submit that Grieve fails to teach or suggest “assessing effectiveness of the computer configuration changes based on the obtained performance metrics.” First, Grieve fails to teach obtaining performance metrics. Thus, an assessment of effectiveness based upon the performance metrics would be impossible. The Examiner relies upon paragraphs 0116-0162 of Grieve to allegedly teach this feature of the invention as claimed. These paragraphs in Grieve constitute a section entitled “The Configuration History Database and Database Manager.” In this section, Grieve teaches the organization of a database for storing configuration histories of the systems in the network, along with an interface that can be utilized to update the database when a configuration of a system is changed. However, there is no teaching or suggestion in this section, or anywhere else in Grieve, of assessing the effectiveness of a configuration. As noted by Grieve, the “configuration history database 108 defines, for each point in time at which a change occurred to the configuration of at least one device in the network, which devices had which

configurations.” (paragraph 0016, lines 3-6 of Grieve). These configurations can be annotated as being “correctly configured and correctly performing,” but without any indication of what is necessary for that correct configuration or performance (paragraph 0117, lines 9-18 of Grieve). By being able to look up a past configuration that is annotated as correct, a technician would not need to know the reason why a computer configuration became incorrect, or why computer performance became incorrect. According to Grieve, “if the network ceases to operate correctly, the operator can return to a known good configuration without even knowing what change the technician may have made during the debug or maintenance operation.” (paragraph 0148, lines 6-10 of Grieve). This is in contrast to the invention as claimed, which assesses the effectiveness of a configuration of a computer system based upon performance metrics obtained before and after the configuration of a system. Grieve explicitly teaches not worrying about the changes made to a system. Rather, if a computer is functioning incorrectly, it is simply returned to a previous configuration that has been annotated in the configuration history database as being correct. Even if Grieve DID teach obtaining performance metrics (which it does not), there is no teaching or suggestion in Grieve that these metrics would be utilized to assess the effectiveness of a configuration. Thus, Grieve fails to teach or suggest assessing effectiveness of the computer configuration changes, and, in particular, do not suggest doing so on based on the obtained performance metrics, as required by Claim 1.

As shown above, Grieve fails to teach or suggest a method of adjusting relative value of implemented computer configuration changes, including the steps of “obtaining performance metrics for the computer system before and after configuration changes implemented in the computer system” and “assessing effectiveness of the computer configuration changes based on the obtained performance metrics.” Accordingly, for at least the foregoing reasons, Grieve does not anticipate Claim 1. Further, the dependent claims 2-8 are also patentable for at least the same reasons as independent claim 1 on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

Prior Art Rejections under 35 U.S.C. 103:

Claims 2–3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grieve as applied to Claim 1 and further in view of U.S. Patent No. 6,678,639 to Little et al. (hereinafter “Little”). Claims 9–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grieve in view of Little. These rejections are traversed for at least the following reasons.

Claims 2 and 3 depend from Claim 1, which recites a method of adjusting relative value of implemented computer configuration changes, including the steps of:

obtaining performance metrics for the computer system before and after configuration changes implemented in the computer system; and

assessing effectiveness of the computer configuration changes based on the obtained performance metrics.

As shown above, Grieve does not teach or suggest either of these limitations.

Little fails to make up for the deficiencies of Grieve detailed above. First, Little nowhere mentions or suggests obtaining performance metrics for the computer system, before and after configuration changes or otherwise. Rather, Little, like Grieve, only teaches obtaining information about a system’s configuration. Little either utilizes an automated tool to gather information, or poses a list of questions to a computing environment to obtain information about the customer’s computing environment for analysis. (column 2, lines 24-29 of Little). According to Little, this includes “administration practices, [and] system configuration including hardware, software and the operating system.” (column 5, lines 5–7 of Little). Thus, Little only suggests identifying information about a computer system’s configuration, not obtaining performance metrics as required by Claims 2 and 3.

Second, Little does not teach or suggest assessing the effectiveness of computer configurations changes based on obtained performance metrics. Little teaches maintaining an internal rules database, which includes the problems that are known to exist at various configurations (column 2, lines 14-16 of Little). A list of questions is generated relating to a computing environment, or data is gathered in an automated manner. In either case, data is

obtained, either by answering questions or through automated data collection, which is utilized to compare the computing environment to a rules database. Based upon the comparison to the rules database, the computing environment is fixed if necessary. (column 2, lines 8-42 of Little). Little teaches potentially associating these rules with predetermined levels of severity. Thus, if a system is compared to the internal rules database and problems are found, the problems can be associated with a level of severity. (column 6, lines 18-25 of Little). However, there is a distinct difference between analyzing whether a computing environment is working correctly and looking up the solution in a database, and analyzing the effectiveness of a configuration change. There is no teaching or suggestion in Little of determining how effectively a computing environment is working. Rather, Little teaches automatically determining if a computer system has problems and presenting solutions to those problems. There is a difference between detecting if a system works, and how effectively that system works. Further, even if Little did teach assessing the effectiveness of the computing environment (which it does not), there is no teaching or suggestion in Little that this assessment utilizes the obtained performance metrics. Thus, Little to teach or suggest the process of assessing the effectiveness of configuration changes based on performance metrics collected, as required by Claims 2 and 3.

A rejection under 35 U.S.C. § 103(a) cannot be properly maintained where the references do not teach or suggest each and every limitation of the claim. As shown, Grieve in view of Little does not teach each and every limitation of Claims 2 and 3.

With regards to claim 9, the Examiner again cites combination of Grieve with Little to teach the features of the invention as claimed. Independent claim 9 recites a system that includes:

programmed instructions configured to: . . .

collect performance metrics associated with the computer system having the identified implemented configuration changes; and

weight effectiveness of the identified implemented configuration changes.

The Examiner relies on Grieve to teach the collection of performance metrics, and on Little to teaching the weighting of effectiveness.

With regards to the feature of “collect performance metrics associated with the computer system having the identified implemented configuration changes,” the Examiner relies on Grieve. Applicants respectfully submit that it has already been shown above with respect to independent claim 1 that Grieve fails to teach or suggest performance metrics, or the collection of performance metrics associated with a configuration change. As mentioned above, Grieve only collects configuration information, not performance metrics. Thus, Grieve fails to teach the feature of “collect performance metrics associated with the computer system having the identified implemented configuration changes.”

With regards to the feature of “weight effectiveness of the identified implemented configuration changes,” Applicants note that the Examiner has explicitly asserted that Grieve fails to teach or suggest this feature. Instead, the Examiner relies on Little to teach this feature of the invention as claimed. Specifically, the Examiner cites the “SUMMARY OF THE INVENTION” of Little. Here, Little teaches an automated problem identification system, in which a list of questions is generated relating to a computing environment, or data is gathered in an automated manner. In either case, data is obtained, either by answering questions or through automated data collection, which is utilized to compare the computing environment to a rules database. Based upon the comparison to the rules database, the computing environment is fixed if necessary. (column 2, lines 8-42 of Little). However, Little only looks at whether the computing environment has a problem or not. There is a distinct difference between analyzing whether a computing environment is working correctly and looking up the solution in a database, and weighting the effectiveness of a configuration change. There is no teaching or suggestion in this passage of adding weight to any variable, let alone weighting an implemented configuration change. Rather, Little teaches correcting a configuration based upon comparison to stored rules. Assigning a weight or a priority to an implemented configuration change is not discussed in this passage, or anywhere else in Little. Thus, Little fails to teach the feature of “weight effectiveness of the identified implemented configuration changes.”

As shown above, Grieve and Little fail to teach or suggest a system that includes the features of “collect performance metrics associated with the computer system having the identified implemented configuration changes” and “weight effectiveness of the identified implemented configuration changes.” Accordingly, for at least the foregoing reasons, claim 9 is patentable over the combination of Grieve with Little. Further, the dependent claims 10-16 are also patentable for at least the same reasons as independent claim 9 on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

For example, claim 13 also recites a system that includes the feature that:

proposed configuration changes with low weighted effectiveness are removed from a recommendation set.

The Examiner previously asserted that “Grieve does not explicitly show weight effectiveness of the identified implemented configuration changes.” (page 7, lines 3-4 of the Office Action). However, the Examiner relies on several paragraphs of Grieve to teach the feature that proposed configured changes with low weighted effectiveness are removed from a recommendation set. Applicants respectfully submit that Grieve fails to teach this feature of the invention as claimed. Grieve does not disclose or even suggest weighting the effectiveness of configuration changes. Further, there is no teaching or suggestion in Grieve of a recommendation set, let alone the maintenance of such a recommendation set. Thus, Grieve fails to teach this feature of the invention as claimed.

A rejection under 35 U.S.C. § 103(a) cannot be properly maintained where the references do not teach or suggest each and every limitation of the claim. Grieve in view of Little does not teach each and every limitation of Claims 9–16.

With regards to claim 17, the Examiner again cites combination of Grieve with Little to teach the features of the invention as claimed. Independent claim 17 recites a system for adjusting relative value of implemented configuration changes on computer systems in a network that includes:

means for obtaining performance data for the computer systems in the network; . . .

means for obtaining performance data for the one of the computer system[s] after implementation of recommended configuration changes; and

means for adjusting relative value of the recommended configuration changes based on an evaluation of the performance data after implementation of recommended configuration changes.

As shown above with regards to independent claims 1 and 9, Grieve and Little fail to teach these features of the invention as claimed. Accordingly, for at least the foregoing reasons, claim 17 is patentable over the combination of Grieve with Little. Further, the dependent claims 18-20 are also patentable for at least the same reasons as independent claim 9 on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

For example, claim 20 in particular also requires:

eliminating a configuration change from a recommendation set where the configuration change has a low relative value.

As shown above with regards to claim 13, Grieve fails to teach this feature of the invention as claimed. There is no teaching or suggestion in Grieve of eliminating a configuration change from a recommendation set where the configuration change has a low relative value, as required by Claim 20.

A rejection under 35 U.S.C. § 103(a) cannot be properly maintained where the references do not teach or suggest each and every limitation of the claim. Grieve in view of Little does not teach each and every limitation of Claims 17–20.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025

Respectfully submitted,

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